

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Monique West	Team: Squad #2	CCRB Case #: 201506389	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/20/2015 12:30 AM	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 1/20/2017	EO SOL 1/20/2017	
Date/Time CV Reported Mon, 07/20/2015 12:50 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/03/2015 11:57 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. CPT Anthony Longobardi	00000	923451	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Arturo Gomez	14128	954876	PBBS
2. POM William Bilbao	26671	954551	067 PCT
3. POM Philip Longo	3411	955080	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.CPT Anthony Longobardi	Discourtesy: Capt. Anthony Longobardi spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.CPT Anthony Longobardi	Force: Capt. Anthony Longobardi used a chokehold against § 87(2)(b)	§ 87(2)(b)
C.CPT Anthony Longobardi	Force: Capt. Anthony Longobardi restricted the breathing of § 87(2)(b)	§ 87(2)(b)

Case Summary

On July 20, 2015, at approximately 12:30 a.m., § 87(2)(b) was inside of the § 87(2)(b) located at § 87(2)(b) in Brooklyn where she worked as a bartender when she encountered Capt. Anthony Longobardi and PO Philip Longo of the 67th Precinct and PO Arturo Gomez of Patrol Borough Brooklyn South. During their interaction, Capt. Longobardi allegedly said to § 87(2)(b) “What the fuck are you doing?” and ordered her to, “Get behind the bar right fucking now” and to “fucking” tell him where the boss was and who was running the place (**allegation A**). As officers went to place § 87(2)(b) under arrest, Capt. Longobardi allegedly placed his arm around the front of her neck, restricting her breathing (**allegations B and C**). § 87(2)(b) was arrested and charged with resisting arrest, reckless endangerment in the second degree, OGA in the second degree, selling alcohol without a license and disorderly conduct (Board Review 01).

This case is being closed more than 90 days after filing due to waiting for the lounge’s owner to provide video footage and an employee roster from the night of the incident.

Video Footage

- There is no video footage that captures this incident.

Mediation, Civil and Criminal Histories

- Due to the arrests and subsequent criminal cases stemming from this incident, this case was not suitable for mediation.
- The notice of claim was requested and will be added to the case file upon receipt.
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 03).
- § 87(2)(b) has not filed or been involved in any CCRB complaints (Board Review 03).
- Capt. Longobardi has been a member of the NYPD for 16 years, has had 15 prior allegations against him involving eight cases with no substantiated allegations. § 87(2)(g) (see officer history).

Potential Issues

- This incident took place inside of a club during its business hours; however, only the witnesses who were arrested that night could be identified.
- The complainant, § 87(2)(b) did not witness anything that occurred inside of the lounge.
- § 87(2)(b) the lounge’s owner, stated that he had no video footage for the incident date and never confirmed his appointment with the field team for them to confirm the inexistence of video footage. A subpoena was sent to § 87(2)(b) for video footage and the employee roster; however, he never provided these documents or responded to follow-up phone calls regarding these documents.

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) described the officer who committed all of the allegations as a 6'0" tall white male in his late 40s with gray hair and wearing a white uniform shirt. Capt. Longobardi is a white male who stands 6'0" tall and weighs 270 pounds. He has brown hair and brown eyes. At the time of the incident, he was § 87(2)(b) old. Capt. Longobardi was the only officer who interacted with § 87(2)(b) who would've been wearing a uniformed white shirt. Therefore, all allegations are pleaded against Capt. Longobardi.

Allegations not pleaded

- **Discourtesy/Threat of Arrest:** § 87(2)(b) alleged that Capt. Longobardi told § 87(2)(b) one of the clubs patrons, to mind his "fucking business." She also alleged that Capt. Longobardi said to him, "Shut the fuck up. You want to go to jail too?" § 87(2)(b) did not make these allegations and he was ultimately arrested. Therefore, a discourtesy allegation and a threat of arrest allegation are not pleaded.

Allegation A- Discourtesy: Capt. Anthony Longobardi spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that she was at the § 87(2)(b), where she works, cleaning out the coat check closet when she saw three officers rush behind the bar. § 87(2)(b) exited the closet and shut the door behind her. Capt. Longobardi allegedly yelled, "What the fuck are you doing?" § 87(2)(b) raised her hands and replied that she was cleaning. Capt. Longobardi allegedly pointed in her face and told her to "get behind the bar right fucking now." She complied. Capt. Longobardi allegedly told her that she was going to "fucking" tell him where the boss was and who was running the place. The clubs patrons began throwing glass bottles and banging on the bar. § 87(2)(b) moved into a space behind the officers to avoid getting hit by glass. Capt. Longobardi allegedly screamed, "What the fuck are you doing?" and motioned with a finger for his officers to arrest her (Board Review 04).

§ 87(2)(b) was unable to provide a detailed account of the incident and refused to provide a sworn statement to the CCRB due to his open criminal case regarding the incident. He only witnessed parts of the incident and did not make any allegations of discourtesy (Board Review 05). § 87(2)(b) the club's security guard, only observed § 87(2)(b) being carried out of the lounge. He did not witness what happened inside of the club (Board Review 06).

PO Longo and PO Gomez stated that § 87(2)(b) was behind the bar selling alcohol when they first observed her. PO Bilbao and Capt. Longobardi did not recall if they made this observation. Capt. Longobardi did not recall using profanity towards § 87(2)(b) or having any verbal interaction with her. PO Gomez stated that it was PO Longo who questioned § 87(2)(b) about where her boss was but he did not hear him or any other officer use any profanity towards her. PO Longo stated that it was another officer who spoke to § 87(2)(b) but he did not remember which officer. He did not hear that officer use any profanity towards § 87(2)(b). PO Bilbao stated that it was Capt. Longobardi who spoke to § 87(2)(b) and questioned her about where the owner of the lounge was. PO Bilbao stated that he did not hear Capt. Longobardi or any other officer use profanity towards § 87(2)(b) (see officer statements, Board Review 07, 08, 09, and 10).

§ 87(2)(g)

Allegation B- Force: Capt. Anthony Longobardi used a chokehold against § 87(2)(b)

Allegation C- Force: Capt. Anthony Longobardi restricted the breathing of § 87(2)(b)

§ 87(2)(b) stated that after Capt. Longobardi motioned with his finger for his officers to arrest her, an officer grabbed her shoulder while Capt. Longobardi allegedly placed his arm around the front of her neck. She told the officers that she could not breathe and asked them to stop. § 87(2)(b) did not resist. § 87(2)(b), § 87(2)(a) CVR § 50-b

§ 87(2)(b) The other officers pulled her arms while Capt. Longobardi continued to have his arm around her neck. § 87(2)(b) asked the officers to cover her up and continued to tell them that she could not breathe. § 87(2)(b) passed out. The next thing she remembered was waking up in the police van in handcuffs.

§ 87(2)(b) corroborated that § 87(2)(b) was placed in a chokehold. He stated that an officer had his arm around her neck for approximately five minutes while two officers grabbed her arms. He stated that § 87(2)(b) moved around and told the officers to let her go and that she could not breathe before she blacked out.

Capt. Longobardi stated that he did not recall whether he was involved in the struggle to place § 87(2)(b) in handcuffs. He recalled that there was a struggle but did not recall which officers were involved. He only recalled that § 87(2)(b) resisted arrest. Capt. Longobardi denied placing § 87(2)(b) in a chokehold. He did not recall whether she stated that she could not breathe or whether she lost consciousness. PO Gomez stated that he and PO Longo were the only officers involved in placing § 87(2)(b) in handcuffs. Other than grabbing her arms, they used no additional force against her. PO Gomez stated that Capt. Longobardi had no physical contact with § 87(2)(b) and no officer placed an arm around her neck. § 87(2)(b) never complained of being unable to breathe but she did go limp forcing the officers to carry her by her arms and legs out of the lounge. PO Gomez did not know what caused her to go limp and believed that she was faking it. For precautionary purposes, they called an ambulance but § 87(2)(b) refused medical attention. PO Longo and PO Bilbao corroborated PO Gomez's statement. PO Bilbao added that he assisted them by grabbing § 87(2)(b) ankle to prevent her from kicking them and gently placed her on the ground by sweeping her other leg from underneath her. PO Longo and PO Bilbao stated that § 87(2)(b) never lost consciousness. PO Longo stated that she went limp and PO Bilbao stated that she refused to walk which is why they had to carry her out of the lounge.

After her release, § 87(2)(b) went to § 87(2)(b) Medical Center where she complained of pain all over her body. It was noted that she stated that four officers roughly pushed her against the wall at the bar where she works and then to the ground with their knees in her back. She mentioned to them that she passed out briefly and EMS came on scene but she refused to go to the hospital at that time. An examination found that she was negative for neck pain and neck stiffness. Her neck was supple with normal range of motion. There was no midline bony tenderness or step off deformity (Privileged Document 01).

No evidence of a chokehold was noted in § 87(2)(b) medical records; however, it is possible that physical evidence would not exist and that either § 87(2)(b) forgot to mention the chokehold to medical personnel or medical personnel did not take note of this.

§ 87(2)(g)

Squad: 2

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date